

Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs.
(Supreme Court Section) Civil Secretariat,
Jammu/Srinagar.

Subject: Allocation of work to Additional Advocate General(s)/Advocate-on-Record, Standing Counsel and Additional Standing Counsel (s) representing Union Territory of Jammu and Kashmir in the Supreme Court of India, National Green Tribunal and High Court of Delhi, and other Courts/Tribunals at New Delhi.

Government Order No. 2812 – JK (LD) of 2024

Dated: 01.03.2024

Consequent upon the appointment of Shri Shailesh Madiyal and Shri Kanu Aggarwal as Additional Advocate General(s) to represent Union Territory of Jammu and Kashmir in the Hon'ble Supreme Court and in supersession of all previous orders issued on the subject, it is hereby ordered as under:

1. The Additional Advocate General (s) shall be entitled to appear and represent the Union Territory of Jammu and Kashmir in all matters, irrespective of below mentioned allocation of work. In such matters where the AAGs are appearing, the AoR/Standing Counsel/ASC as the case may be shall assist and brief the AAGs to whom the case is assigned and the department is allocated.
2. The AAGs shall conduct and appear in all important and also in matters as may be specifically assigned by the Department of Law, Justice and Parliamentary Affairs from time to time. For this purpose the AoR/Standing Counsel/ASC shall keep the Law Department as also the AAG(s) intimated in advance of all such cases and provide the necessary documents, files etc.

In view of the above arrangement, sanction is hereby accorded to the following distribution of work amongst Advocate-on-Record, Standing Counsel and Additional Standing Counsel (s) representing Union Territory of Jammu and Kashmir in the Supreme Court of India and Other Courts/Tribunals at New Delhi with immediate effect:

| Sr.No. | Name of the Advocate S/Shri | Work allotted |
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| 01 | Pashupati Nath Razdan Advocate-on-Record | UT Counsel before the Supreme Court of India/ National Green Tribunal and also Delhi High Court in respect of cases pertaining to the following Departments:- i. Finance Department ii. Jal Shakti Department. iii. Agriculture Production Department iv. Power Development Department v. Labour and Employment Department vi. Housing and Urban Development Department vii. General Administration Department viii. Any other Department |
| 02. | Parth Awasthi, Standing Counsel | UT Counsel before the Supreme Court of India/ National Green Tribunal and also Delhi High Court in respect of cases pertaining to the following Departments:- i. Home Department. ii. Revenue Department iii. Forest Department iv. School Education Department. v. PWD (R&B) Department. vi. Horticulture Department. vii. Department of Culture. viii. Higher Education Department. ix. Election Department. x. Department of Skill Development. xi. Department of Law, Justice and Parliamentary Affairs and Constitutional Matters |
| 03. | Rushab Aggarwal, Standing Counsel | UT Counsel before the Supreme Court of India/ National Green Tribunal and also Delhi High Court in respect of cases pertaining to the following Departments:- i. Transport Department. ii. Information Department. iii. CM's/Governors Secretariat. iv. Social Welfare Department v. Rural Development Department vi. Department of Food, Civil Supplies and Consumer Affairs vii. Estates Department. viii. Department of Tribal Affairs. ix. Planning Development and Monitoring Department. |
| 04. | G.M Kawoosa, Additional Standing Counsel. | UT Counsel before the Supreme Court of India/ National Green Tribunal and also Delhi High Court in respect of cases pertaining to the following Departments:- i. Information Technology Department ii. Health and Medical Education Department iii. Cooperative Department iv. Animal/Sheep Husbandry Department v. Science and Technology Department |

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| | vi. | Department Disaster Management Relief, Rehabilitation and Reconstruction |
| | vii. | Industries and Commerce Department |
| | viii. | Hospitality and Protocol Department |
| | ix. | Services Selection Board. |
| | x. | ARI and Training Department. |
| | xi. | Tourism Department. |
| | xii. | SKIMS |

That the above distribution of work shall be subject to the following terms and conditions:-

- (i) The AoR/Standing Counsel and Additional Standing Counsel(s) shall handover/takeover the charge and shall exchange the case files/ briefs as per above distribution of work. Any case specifically assigned to any AoR/Standing Counsel/Additional Standing Counsel shall continue to be conducted by the same AoR/Standing Counsel/Additional Standing Counsel irrespective of the above allocation of work till further orders. It shall be open to the Department of Law, Justice and Parliamentary Affairs to specifically assign any matter to any AoR/Standing Counsel/Additional Standing Counsel irrespective of the Departments allocated.
- (ii) The AoR shall inform, in advance, the cases listed, to the Learned Advocate General, Jammu and Kashmir and to the Secretary to Government, Department of Law Justice and PA and to officers of the concerned Department. This must be done as soon as the list is made available by the Registry of Hon'ble Supreme Court of India. Email in this regard must be promptly sent on email i.e. lawdepartment4455@gmail.com and the email id of concerned Department and designated whatsapp group. The copy of advance list be also marked to the AAG(s) on regular basis. In case any inputs or assistance is required in any matter that may be conveyed in advance to the concerned department and to the Department of Law Justice and PA.
- (iii) The Advocate on Record shall receive all notice (s) /order(s) /correspondence(s) from the Supreme Court on behalf of Union Territory of Jammu and Kashmir and shall also file Vakalatnama in the Supreme Court in all matters/cases of Union Territory of Jammu & Kashmir.

- (iv) The AoR/Standing Counsel/ASC on receipt of the engagement letter from Department of Law, Justice and Parliamentary Affairs shall take all necessary steps for preparation and filing of SLP(s) etc at an earliest. The engaged Counsel shall ensure that the legal defense available to Government is properly reflected in the SLP etc. The whole exercise from obtaining factual report/records from the department and preparation and filing of SLP(s) should be done in a time bound manner. The SLPs/replies in all important matters shall be prepared and filed in consultation with the AAG(s). Any laxity/delay occasioned at the level of department in transmission of records/factual report and necessary assistance shall be brought to the notice of Department of Law, Justice and Parliamentary Affairs forthwith alongwith recommendation for initiating any action against the delinquent Official/Officer.
- (v) It shall be the responsibility of the AoR/SC/ASC to whom the case is assigned/ department is allocated for filing/refiling and verification of SLPs etc. The concerned AoR/SC/ASC shall be the one point contact for the department for preparation, filing and conduct of SLPs etc. The engaged counsel shall also arrange conference of the departmental officers with ASGs/AAGs / Senior Counsel etc; as the case may be as expediently as possible. It shall be the responsibility of AoR/SC/ASC to whom the case is assigned/department is allocated to monitor the developments of the cases and ensure timely compliances.
- (vi) The AoR/ Standing Counsels/ASC shall furnish the information regarding daily proceedings of the assigned cases to the concerned department and to the Department of Law Justice And Parliamentary Affairs regularly and the copy of proceedings be also marked to the AAG(s).
- (vii) In case there is a requirement of engaging any Law Officers [AG/SG/ASG(s)]/Senior Advocate in any matter, the AOR/Standing Counsel, as the case may be shall, after taking the consent of either of the AAG(s), take up the matter with the concerned administrative department alongwith reasons for such engagement and fee structure, who shall upon receipt of such request take up the matter alongwith their comments with the Law Department for its concurrence to the engagement of Law Officers [AG/SG/ASG(s)]/Senior Advocate in the matter. However in case the engagement of the Law Officers

[AG/SG/ASG(s)]/Senior Advocate is urgently required, the Law Department shall engage the Law Officers [AG/SG/ASG(s)]/Senior Advocate in the matter with intimation to the concerned administrative department.

- (viii) All the Counsels representing Union Territory of Jammu and Kashmir before Hon'ble Supreme Court and other Courts shall discharge their obligation/duty with sense of responsibility towards the court as well as to Government, since they are a bridge between the Government and the Court, they shall follow code of conduct towards their client i.e. Government and shall ensure conduct of cases as per above mentioned allocation of work on every date of hearing without any fail. They shall not hold/accept any brief or causes any appearance in any case against the Union Territory of Jammu and Kashmir in any court.
- (ix) The AoR /SC/ASC shall submit a report regarding filing of SLPs/replies etc. on monthly basis in an enclosed format **Annexure-R1** as devised by the Department of Law Justice and PA and shall perform such other duties and function as may be specified from time to time by the Department of Law, Justice and Parliamentary Affairs.
- (x) The Counsels shall not give any assurance before the court without consulting Administrative Department, and if in any case, it is found that any Government counsel had made any commitment before the court without consulting Administrative Department or the Law Department, the matter shall be immediately reported by the concerned Department and serious action against the Government Counsel shall follow.
- (xi) That the AOR/Standing Counsel/Additional Standing Counsel (s) shall ensure that one copy of all documents filed/served upon them shall be mailed to the concerned Department with a copy to the Department of Law, Justice and Parliamentary Affairs and the AAG(s). Further, they shall email the copy of files to Shri Shailesh Madiyal, AAG and Shri Kanu Aggarwal AAG in advance as may be required in respect of the cases in which AAG(s) are required to appear.
- (xii) The above distribution of work shall come into operation w.e.f 1st April, 2024 and all the counsels [AoR/SC/ASC] shall exchange the case files/ briefs as per above distribution of work by or before 31st

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March, 2024. Any sanction for filing of SLP etc issued prior to issuance of this order shall be dealt by the said counsel till it's filing/re-filing/verification and thereafter, handover the same to the concerned counsel as per above distribution/ allocation of work. Besides, all fresh sanctions for filing of SLPs shall be issued as per above distribution/allocation of work with immediate effect from the date of issuance of this order.

By Order of the Hon'ble Lieutenant Governor.

Sd/-

(Achal Sethi)

Secretary to Government

Dated:- 01-03-2024.

No: Law-SC/53/2022-10.

Copy to the:-

1. Learned Advocate General, Jammu and Kashmir, Srinagar.
2. All Administrative Secretaries.
3. Principal Secretary to Hon'ble Lieutenant Governor, J&K, Raj Bhawan Srinagar.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
5. Principal Resident Commissioner, J&K, New Delhi.
6. Registrar General Supreme Court of India.
7. Registrar General, High Court of Jammu and Kashmir and Ladakh, Srinagar.
8. Director Information, J&K, Srinagar.
9. Director Litigation Jammu/Kashmir.
10. Director, Archives, Archaeology and Museums, J&K, Jammu/Srinagar.
11. Director Finance, Department of Law, Justice & P.A.
12. Additional Advocate General (s)/Advocate on Record/ Standing Counsel(s)/ Additional Standing Counsel for information and n/a.
13. Private Secretary to Chief Secretary, J&K for information of Chief Secretary.
14. Private Secretary to Secretary to Government, Department of Law, Justice & P.A for information of Secretary.
15. Incharge website of the Department of Law, Justice and Parliamentary Affairs.
16. Government Order File.
17. Concerned File.

(Shafiq Hussain Mircha)

Deputy Legal Remembrancer

[Handwritten Signature]

Annexure-R-1

STATUS OF FILING OF MATTERS FOR WHICH SANCTION IS RECEIVED IN THE MONTH OF _____.

| Sr. No | Date of Sanction | HC Case Particulars | Date of filing of Petition | Date of re-filing and defects Cured | Date of Verification of SLP | Reason if any for Delay (after receipt of sanction) in filing/re-filing of the petition /reply |
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